



August 12, 1999

Lieutenant Arturo Valdez  
Center Record Division  
City of McAllen Police Department  
1501 Pecan Boulevard  
McAllen, Texas 78501

OR99-2304

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128417.

The McAllen Police Department (the "department") received a request for certain police reports. You claim that the requested information is excepted from disclosure under section 261.201 of the Family Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Family Code § 261.201.

The requested information here does not appear to consist of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. *See* Fam. Code §§ 261.001(1)(C), 261.103(1). We believe section 261.201(a) is not applicable to the requested information. Thus, the department may not withhold the requested information from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue M. Lee".

Sue M. Lee  
Assistant Attorney General  
Open Records Division

SML\nc

Ref: ID# 127417

Encl: Submitted documents

cc: Ms. Kimberly De La Rosa  
HC1 - Box 16-D  
Liberty, Texas 77575  
(w/o enclosures)